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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,668	03/29/2006	Harald Eckert	ZAHFRIP846US	8642
20210	7590	06/11/2007		
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			EXAMINER ROSS, DANA	
			ART UNIT 3722	PAPER NUMBER
			MAIL DATE 06/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,668

Applicant(s)

ECKERT, HARALD

Examiner

Dana Ross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/29/06
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “sealed rotary feed-through” of claim 1 and the “complementary mechanism” of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, lines 4-11, it is not clear how the “sealed rotary feed-through” is “integrated into the transmission and serves as a transfer device for flow of a cooling fluid”, how it is “supported on the output shaft of the transmission”, how the gaskets 16 and 17 interact structurally with the “engine side” and “spindle side”.

Claim 11, lines 7-8, Claim 12, lines 2-3, Claim 15, line 3, Claim 16, line 3, it is not clear what is being claimed by the phrase “engine side” and “spindle side”.

Claim 11, line 9, it is not clear what is meant by the phrase “by construction elements of the transmission”.

Claim 11, lines 10, it is not clear what is meant by “is one directly located over”. It is not clear what is meant by “one”.

Claim 11, lines 10-11 state “located over the spindle (15) and in an additional connection part”. It appears this should be “located **in** the spindle (15) **or** in an additional connection part”. See paragraph 024 of Applicant’s disclosure.

Claim 16, line 2, it is not clear what is being claimed by the phrase “has a complementary mechanism”.

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Claim 17, line 2, recites the limitation "the additional mechanism". There is insufficient antecedent basis for this limitation in the claim. It is not clear what is being claimed.

Examiner notes that the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Due to the number of 35 USC 112 2nd Paragraph issues, the above are only examples of the 35 USC 112 2nd Paragraph issues. Applicant is required to review all claims to ensure compliance with 35 USC 112 2nd Paragraph.

All claims will be examined as best understood.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-14 and 18 are, rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,620,824 (Eckstein et al.) in view of US Pat. No. 4,997,325 (Heel et al.).

Eckstein teaches a drive shaft (see reference number 7 of figure 1); an output shaft (see area of reference number 17 of figure 1) with a spindle (see area outside of reference number 13 of figure 1) placed co-axially over the output shaft; a cool and lubricating system 37 supported by the output shaft (see figure 1 and col. 5, lines 7-21, for example); a tube 18 in the output shaft (see figure 1, for example); planetary gear system (see col. 4, lines 23-47, for example); the cool and lubricating system supported by a suspension with bearing means (see col. 5, lines 7-21, and lines 62-68, for example); check valves (discharge channels 51 and 52, for example) with

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cooling medium channel 44 and expansion bearing sleeve 11 (see col. 5, lines 46-68, for example).

Eckstein does not expressly disclose the gasket on the engine side connected with the output shaft and the gasket on the spindle side located in the spindle.

Heel et al. teaches the use of gaskets in the spindle and connected with an output shaft (see area of reference numbers 19 and 29 with compression spring 20 located between, figure 1, col. 5, lines 22-38, for example).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device as taught by Eckstein to include the use of the gaskets and spring as claimed for the purpose of providing for a clamping of a tool portion in a tool holding fixture during which the whole clamping process surface contact is constantly ensured.

6. Claims 11-18 are, rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 4,248,332 (Noyes) in view of US Pat. No. 4,997,325 (Heel et al.).

Noyes teaches a fluid coupling for a transmission device with a drive member 12 and output shaft 14 (driven member), the fluid coupling 10 with gear housing 16, gear case 20 between end plates 22 and 34, bearings 40 and 42, bushings 62 and 64 (see col. 3, lines 16-30, for example); planetary gears 54 and 56, sun gear 52 (see col. 3, lines 31-40, for example); check valve assemblies 80 (see col. 3, lines 31-46, for example); fluid housing 18, sealing means with spring 122 (see col. 4, lines 13-39, for example);

Noyes does not expressly disclose the gasket on the engine side connected with the output shaft and the gasket on the spindle side located in the spindle.

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Heel et al. teaches the use of gaskets in the spindle and connected with an output shaft (see area of reference numbers 19 and 29 with compression spring 20 located between, figure 1, col. 5, lines 22-38, for example).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device as taught by Noyes to include the use of the gaskets and spring as claimed for the purpose of providing for a clamping of a tool portion in a tool holding fixture during which the whole clamping process surface contact is constantly ensured.

Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


dmr
Dana Ross
Primary Examiner
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